

means for displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment at least a portion of the program listings in a display screen in response to a user searching for programs by title, wherein program listings for similar titles are represented only once in the display screen.

#### REMARKS

##### Introduction

Claims 1-16, 18-37, 39-58 and 60-63 were rejected under 35 U.S.C. § 102(b) as being anticipated by Youman et al. U.S. Patent No. 5,629,733 (hereinafter "Youman"). Claims 64-81 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Youman in view of Brandon et al. U.S. Patent No. 4,924,303 (hereinafter "Brandon"). These rejections are respectfully traversed.

##### Claims 1-16, 18-37, 39-58 and 60-63

Generally speaking, Youman describes numerous features for an interactive television program guide. As set forth in detail below, applicants' systems and methods of claims 1-16, 18-37, 39-58 and 60-63 while generally implicating the subject matter of Youman, provide patentable improvements to Youman.

Accordingly, allowance of claims 1-16, 18-37, 39-58 and 60-63 is respectfully requested.

a. Claims 1-6, 22-27 and 43-48

Youman describes a number of different features and display arrangements for providing program listings displays. In the illustrative display arrangement for Youman's "All Listings" mode shown in FIG. 18, for example, program listings are provided within cells in a grid. The columns and rows of the grid are labeled outside of the grid with times and channels. Another illustrative display arrangement for Youman's "All Listings" mode is shown in FIG. 25. This arrangement provides listings in a single column, and has time indicators above the program listings. In the illustrative display arrangements for Youman's "By Category" and "By Channel" modes shown in FIGS. 19 and 20, for example, listings are displayed in a single column. Categories 190 or channels 202, positioned above the listings, allow users to access listings for specific categories or channels, respectively. Still another illustrative display arrangement for providing listings displays is shown in FIG. 38B. This display uses a single column and has a time slot indicator at the top of the display (i.e., "Today 7:30PM").

In each of Youman's display arrangements, indicators for the time, channel, or category of the displayed listings are positioned external to the listings. Applicants' systems and

methods of claims 1-6, 22-27 and 43-48 patentably improve upon Youman's display arrangements by, among other things, including "a separator embedded within the program listings". The embedded separator "visually separates the program listings into two regions each of which is associated with a different time slot." As applicants' users navigate within the program listings, applicants' separator will indicate the time slot to which or from which a user is navigating because it "contains information associated with one of the time slots." An illustrative embodiment of applicants' separator is separator 128 of FIG. 12e. In some embodiments this feature may allow users to, for example, maintain their focus on the listings themselves while navigating within the listings yet still be informed of the current time slot.

The Examiner makes reference to the program listing "Mom and Dad Save the World (4-6p)" on page 3, para. 1 of the Office Action. Applicants respectfully submit that this is not a "separator embedded within" the listings. It is a highlighted listing, not a separator. Additionally, it is not embedded because Youman's highlighted region moves independently of the listings as the user navigates.

The foregoing demonstrates the patentability of applicants' claims 1-6, 22-27 and 43-48.\* The § 102 rejections of these claims should be withdrawn.

b. Claims 7-9, 28-30 and 49-51

A number of Youman's displays use on-screen arrows to indicate actions users may take. For example, Youman's guide sometimes provides on-screen arrows to indicate that there are options or other screen content (e.g., program listings) available to the user but which are not currently displayed. The on-screen arrows of FIG. 38B cited by the Examiner are an example of this type of on-screen arrow.

Youman's guide also provides on-screen arrows to, for example, indicate the arrow keys on Youman's remote control that are currently active. Youman's guide has an "Active Key Display" ("AKD") feature that automatically displays images of keys to indicate to users the keys that are active at a given position within the current display. When a key is inactive, Youman's guide automatically removes the image of that key from the display, and it is no longer "on screen." Youman, col. 16, lines 38-61. The on-screen arrows of FIGS 18-20 cited by the Examiner, for example, are AKD images. They are automatically displayed

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\* Dependent claims 2-6, 23-27, and 44-48 have additional patentable features. However, the foregoing is sufficient to demonstrate the patentability of these claims and their additional patentable features will not be discussed.

and removed from display by Youman's program guide based on the user's position in the current screen.

Applicants' systems and methods of claims 7-9, 28-30 and 49-51 patentably improve upon Youman's use of on-screen arrows by, among other things, "chang[ing] a display characteristic of [an] on-screen arrow . . . in response to the user performing" an available action that is "indicate[d]" by the on-screen arrow. For example, applicants' guide may highlight or change the color of an on-screen arrow in response to a user pressing an arrow key on the remote control. In some embodiments this feature may, for example, maintain an on-screen visual indicator that both: (i) indicates the availability of an action to the user; and (ii) confirms when the user has performed the action.

The foregoing demonstrates the patentability of applicants' claims 7-9, 28-30, and 39-41.\* The § 102 rejections of these claims should be withdrawn.

c: Claims 10-13, 31-34 and 52-55

Applicants agree that Youman broadly discloses providing local information data to a program guide for display (e.g., local cable company information messages). Applicants' systems and methods of claims 10-13, 31-34 and 52-55 patentably

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\* Dependent claims 8, 9, 29, 30, 40 and 41 have additional patentable features. However, the foregoing is sufficient to demonstrate the patentability of these claims and their additional patentable features will not be discussed.

improve on Youman by, among other things, displaying local information data "in a display screen that is configurable based on the local information data." In some embodiments, for example, applicants' local information service 15 (FIG. 1) may provide local information data (e.g., local weather information, local sports scores, local news, local ski reports, local fishing conditions, etc.) that is configured to indicate how display screens are to be configured to applicants' program guide. See, e.g., applicants' specification, p. 9, lines 15-31; p.47, line 3 through p. 48, lines 1-5; p. 78, line 26 through p. 79, line 24. In some embodiments this feature may, for example, allow applicants' guide displays to be customized to the particular local information services provided to applicants' guide.

The foregoing demonstrates the patentability of claims 10-13, 31-34 and 52-58. The § 102 rejections of these claims should be withdrawn.\*

d. Claims 14, 35 and 56

Youman broadly describes the use of a remote control to allow users to interact with its program guide and to change television channels. Applicants' systems and method of claims 14, 35 and 56 provide a patentable user-configurable auto-tune feature that was overlooked by the Examiner in making the

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\* Dependent claims 11-13, 32-34, and 53-58 have additional patentable features. However, the foregoing is sufficient to demonstrate the patentability of these claims and their additional patentable features will not be discussed.

§ 102 rejections of these claims. As set forth in claims 14, 35 and 56, users may "configure" the program guide to "auto-tune channels when the user indicates a desire to change channels". In some embodiments applicants' "auto-tune" feature allows the user to, for example, directly access a channel without pressing "select", "enter" or "OK," following a 1 or 2 digit channel entry. By setting the auto-tune feature to "ON", the set-top box may be controlled by other devices in the user television equipment (e.g., a VCR) that do not emit, for example, a "select" command. See e.g., applicants' specification, p. 52, lines 28-33; and p. 53, lines 1-9.

The foregoing demonstrates the patentability of claims 14, 35 and 56. The § 102 rejections of these claims should be withdrawn.

e. Claims 15, 36 and 57

Youman's program guide allows users to search through program listings using a number of different approaches including, for example, searching by category, by channel, by time, and by title.\* Applicants' systems and method of claims 15, 36 and 57 patentably improve upon Youman's approaches by using two displays for searches. The first is displayed "while" the user is searching, and includes "fewer" listings than the

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\* The § 102 rejections of claims 15, 36 and 57 are in part based on the Examiner's labeling FIG. 26 as a program listings screen. FIG. 26 is actually a premium services screen. It does not contain program listings.

second. When the user "indicates... that the user is finished searching through the program listings," applicants' program guide displays the second display having the additional program listings. In some embodiments this may, for example, provide space on the screen for search display elements while the user is searching, and then allow the user to see more of the user's search results on a single screen when the user is finished. One such embodiment is shown, for example, in applicants' FIGS. 13a-13c.

The foregoing demonstrates the patentability of claims 15, 36 and 57. The § 102 rejections of these claims should be withdrawn.

f. Claims 16, 37 and 58

Youman broadly discloses a search by title feature. See, e.g., Youman, FIG. 38F, and Col. 31, lines 52-59. As shown in FIG. 38F, Youman's search display will include multiple listings for similar titles (e.g., "Magnum, P.I." is shown twice). Applicants' systems and methods of claims 16, 37 and 58, as amended, patentably improve upon Youman by "display[ing]" program listings "only once" in response to a user searching for programs by title. An illustrative embodiment having this feature is shown and described, for example, at FIG. 13b and 13c, and p. 32, lines 21-27 of applicants' specification.



The foregoing demonstrates the patentability of claims 16, 37 and 58. Accordingly, the rejections of these claims should be withdrawn.

g. Claims 18, 39 and 60

Youman broadly discloses providing a FLIP overlay when a user changes channels. Youman, col. 11, line 60, through col. 13, line 10. When a user changes channels, Youman's program guide superimposes the FLIP overlay onto the screen, and removes its FLIP overlay after a predetermined time. Applicants' systems and method of claims 18, 39 and 60 patentably improve upon the removal of Youman's FLIP overlay by "sliding the FLIP overlay toward the bottom of the display until the entire FLIP overlay is no longer displayed." This feature was overlooked in the § 102 rejections. Accordingly, the rejections should be withdrawn.

h. Claims 19, 40 and 61

Claims 19, 40 and 61 are directed to applicants systems and methods for "turning off" a "program guide" and providing an "overlay indicating that the interactive television program guide has been turned-off." In conclusory fashion, the Examiner expresses the view that disabling Youman's pay-per-view and premium programming services due to billing issues would include turning off the program guide itself, and that such a teaching is "inherent[]" in Youman. Office action, p. 8, para. 1. But,

"[t]he mere fact that something may result from a given set of circumstances is not sufficient" to show inherency. MPEP § 2112 (citing *In re Robertson*, 169 F. 3d 743, 745, USPQ2d 1949, 1950-51 (Fed. Cir. 1999)). To rely upon the theory of inherency, "the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." MPEP § 2112 (citing *Ex Parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)). Applicants respectfully submit that the Examiner's conclusory statements are insufficient to meet this burden. The § 102 rejections of claims 19, 40 and 61 should be withdrawn.

i. Claims 20, 41 and 62

Youman broadly discloses a favorite channel feature that allows users to designate favorite channels and categories. See, e.g., Youman, col. 26, lines 13-62; FIG. 8. For example, the "Favorite Channel" display of FIG. 8 indicates channels using channel numbers and call letters, and allows a user to define a favorite channel tuning sequence. Applicant's systems and method of claims 20, 41 and 62 patentably improve upon Youman by providing users with an opportunity "to view channel information" from a favorites display and set a channel as a favorite "based on the channel information." Unlike channel indicators such as Youman's channel names and call letters (see applicants'

specification at p. 50, lines 1-5), applicants' channel information gives users additional information about channels to aid users in making their decision as to whether or not to set a channel as a favorite. An illustrative embodiment having this feature is described in applicants' specification at, for example, p. 49, line 23 through p. 51, line 10, and corresponding figures 37, 75a, 75b, 76a and 76b.

The foregoing demonstrates the patentability of claims 20, 41 and 62. Accordingly, the § 102 rejections should be withdrawn.

j. Claims 21, 42 and 63

Youman broadly describes interactive program guide displays that include videos and program guide data. Claims 21, 42 and 63, however, are directed towards embodiments of applicants' systems and method for using a "promotional philosophy" in a "hybrid passive-interactive television program guide." Hybrid passive-interactive television program guides integrate the display of a passive program guide with the display of an interactive television program guide. Hybrid guide displays are typically generated by tuning to a television channel that is "dedicated" to a passive guide (i.e., a passive guide channel), incorporating the display into an interactive guide display, and, if needed, replacing the passive program listings portion of the passive guide with interactive listings

from an interactive program guide (such as by overlaying the interactive portion of the screen onto the passive listings portion).

Promotional philosophies are algorithms for selecting promotional videos. Promotional philosophies are described in applicants' specification at, for example, p. 34, lines 27-33; and p. 35, lines 1-6. Applicants' promotional philosophies of claims 21, 42 and 63, for example, define subsets of "promotional videos" that are "more suitable" for users (i.e., the claimed "second subset") than another subset of promotional videos (i.e., the claimed "first subset"). For example, it may not be desirable to promote certain types of videos (e.g., adult videos) at certain times during the day, and so a "second subset" of promotional videos may be used instead. The "promotional philosophy" therefore defines which "promotional videos" are displayed in the passive portion of a hybrid passive-interactive program guide display.

The foregoing demonstrates the patentability of claims 21, 42 and 63. Accordingly, the § 102 rejections of these claims should be withdrawn.

k. Claims 64-81

Claims 64-81 were rejected as being obvious over Youman in view of Brandon (the "Youman-Brandon Combination"). To establish a prima facie case of obviousness, the Examiner must

show, among other things, that the Youman-Brandon Combination teaches or suggests all of the limitations of claims 64-81. MPEP § 2143.03. Applicants respectfully submit that the Youman-Brandon Combination does not teach all of applicants' claimed features and, for this reason alone, the § 103 rejections should be withdrawn.\*

Generally speaking, claims 64-81 are directed to various embodiments of applicants' systems and methods for supporting the use of RF bypass switches of different "types" in conjunction with a set-top box. As set forth in independent claims 64, 70 and 76, applicants' set-top box is configured (or configurable) to operate "differently for each type of RF bypass switch" used. In some embodiments, for example, the set-top box may operate in a different "mode" depending on the reset switch used. The modes may include, for example, watch-or-record and watch-and-record modes. See, e.g., applicants' specification at p. 54, line 1, through p. 56, line 22. In some embodiments, the set-top box may operate differently depending on the number of cables supported by an RF switch. See, e.g., applicants specification at p. 56, line 22, through p.57, line 5.

Applicants' agree with the Examiner that Brandon's end user device of FIGS. 2A and 2B includes RF bypass switch 104 that

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\* Applicants respectfully submit that the Examiner has also failed to provide a sufficient motivation to make the Youman-Brandon combination when all of applicants' features of claims 64-81 are considered, but believe that the following is sufficient to demonstrate that the § 103 rejections should be withdrawn.

"determin[es] the source of the RF signals to reach the end user at the television set." Office action, p. 12, para. 1. Clearly, Brandon uses only one type of RF bypass switch and does not describe or suggest configuring its end user device for different "types" of RF bypass switch[es] or operating its end user device "differently for each type of RF bypass switch used". Accordingly, the obviousness rejections of claims 64-81 should be withdrawn.

#### Submission of Formal Drawings

Applicants have re-submitted formal drawings of FIGS. 4-106 with new margins to address the draftsperson's rejection thereto.

#### Request for Signed Form PTO-1449

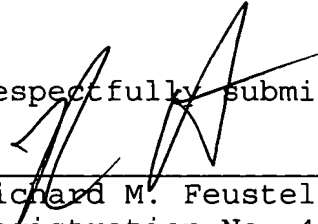
Applicants' have not yet received a signed copy of the Form PTO-1449 of Information Disclosure Statement filed concurrently with this application. Applicants request that a signed copy of the Form PTO 1449 be returned with the next Office Action.



Conclusion


The foregoing demonstrates that this application is in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

  
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APPENDIX  
CLAIM AMENDMENT MARK-UPS

16. (Amended) An interactive television program guide system comprising:

a program guide data source for providing program guide data comprising program listings; and

an interactive television program guide implemented on interactive television program guide equipment having user television equipment, wherein the interactive television program guide is configured to[:] display on the user television equipment at least a portion of the program listings in a display screen in response to a user searching for programs by title, wherein program listings for similar titles are represented only once in the display screen[; and]

[provide a user with an opportunity to search through the program listings in the display screen].

37. (Amended) A method for use in an interactive television program guide system comprising the steps of:

providing program guide data comprising program listings; and

displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment at least a portion of the program listings in a display screen in response to a user searching for programs by title,



wherein program listings for similar titles are represented only once in the display screen[; and]

[providing a user with an opportunity to search through the program listings with the interactive television program guide in the display screen].

58. (Amended) An interactive television program guide system comprising:

means for providing program guide data comprising program listings; and

means for displaying with an interactive television program guide implemented on interactive television program guide equipment having user television equipment on the user television equipment at least a portion of the program listings in a display screen in response to a user searching for programs by title, wherein program listings for similar titles are represented only once in the display[; and]

[means for providing a user with an opportunity to search through the program listings with the interactive television program guide in the display screen].